

Declaratory
~~Improvement~~ Res. No. 798- 1949

for the condemnation of right of
way for utility purposes commencing
at the west property line on Clinton
St. at the southeast corner of Lot
No. 3, Eliza Hanna Srs. Subdivision
of Jail Flats to the City of Fort
Wayne, Indiana, thence west on south
line of Lot No. 3, a distance of
206.0', thence north parallel to, etc.

Resolution Adopted:

June 2, 1949

Confirmed: *Assessment roll*

confirmed: December 29, 1949

Bids Received: *Resolution Confirmed*

November 17, 1949

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Filed Jan 11, 1951

On November 17, 1949

Modified to read as follows: ~~DECLARATORY RESOLUTION No. 798~~

19 49

where C.L. is as follows:

For the ~~Vacation - Opening -~~ ^{12 ft.} Condemnation of right of way for ~~utility~~ ^{sewer} purposes Commencing on the West property line of Clinton Street at a point 18 feet North of the Southeast corner of Lot No. 3 Eliza Hanna, Sr.'s Subdivision of a tract of land lying between Duck Alley and St. Marys River and Barr and Calhoun Street in the city of Fort Wayne, Indiana; thence West on a line parallel with the South line of Lot No. 3 a distance of 175 ft.; thence North parallel to the West property line of Clinton Street to the South property line of Leslie Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn a permanent 12 foot easement for sewer purposes, reserving in the owners of the land herein described the right to build over and upon said easement, ~~commencing on the West property line of Clinton Street at a point 18 feet North of the Southeast corner of Lot No. 3 Eliza Hanna Sr.'s Subdivision of a tract of land lying between Duck Alley and St. Marys River and Barr and Calhoun Street in the city of Fort Wayne, Indiana; thence West on a line parallel with the South line of said Lot No. 3 a distance of 175 feet; thence North parallel to the West property line of Clinton Street to the South property line of Leslie Street, said easement being for sewer purposes only~~

All as shown by a plan of such proposed ~~Opening - Vacation -~~ ^{sewer} Condemnation of right of way for ~~utility~~ ^{sewer} purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said ~~Vacation - Opening -~~ ^{sewer} Condemnation of right of way for ~~utility~~ ^{sewer} purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation - Opening -~~ ^{sewer} Condemnation of right of way for ~~utility~~ ^{sewer} purposes is described as follows:

All lots and lands lying North of the South line of Lot No. 3, East of Calhoun Street and West of Clinton Street and South of Leslie Street and consisting of Lots Nos. 2 and 3 in Eliza Hanna Sr.'s, Subdivision of a tract of land lying between Duck Alley and St. Marys River and Barr and Calhoun Street in the city of Fort Wayne, Indiana

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered. x

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above described ~~Street and alleys~~ ^{easement} shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

xv All Streets, lots and lands affected by the above described ~~condemnation~~ ^{easement} for a sewer are situated in the Northeast quarter of Section 2, Township 30 North, Range 12 East and all of said lands lie within the corporate limits of the City of Fort Wayne xx

ADOPTED THIS 17th DAY OF November 19 49

Attest Joseph M. Hannant
Secretary Board of Public Works.

Walter C. Little
Chauncey L. Griffith
Board of Public Works.

For the ~~Vacation - Opening~~ - Condemnation of right of way for utility purposes

Commencing at the west property line on Clinton Street at the southeast corner of Lot No. 3, Eliza Hanna Srs. Subdivision of Jail Flats to the City of Fort Wayne, Indiana, thence west on south line of Lot No. 3, a distance of two-hundred six (206.0) feet, thence north parallel to the west property line on Clinton Street to the south property line of Leslie Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn a permanent 12.0 easement for utility purposes, Commencing at the west property line (on) Clinton Street at the southeast corner of Lot No. 3, Eliza Hanna Srs. Subdivision of Jail Flats to the City of Fort Wayne, Indiana, thence west on the south line of Lot No. 3, a distance of two-hundred six (206.0) feet, thence north parallel to the west property line on Clinton Street to the south property line of Leslie Street.

All as shown by a plan of such proposed ~~Opening - Vacation~~ - Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said ~~Vacation - Opening~~ - Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation - Opening~~ - Condemnation of right of way for utility purposes is described as follows:

All lots and lands lying north of the south line of Lot No. 3, east of Calhoun Street, West of Clinton Street, and south of Leslie Street.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described ¹³⁰ / condemnation for an easement ^{are} lying in the Northeast $\frac{1}{4}$, Section 2, Township N.R. 12 E., and lying within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 2nd DAY OF June 1949

Attest: *Joseph M. Schwartz*
Secretary Board of Public Works.

Walter C. Fisher
Frank A. Duck
Chauncey L. Griffith
Board of Public Works.



CLINTON ST.

11-17-49





out

City Of Fort Wayne
Indiana



OFFICE OF
BOARD OF PUBLIC WORKS

November 17, 1949

FORT WAYNE, INDIANA

Mr. C. Ross Lindemuth
City Engineer
City Hall

Dear Sir:

You are hereby instructed to prepare an assessment roll of benefits and damages for Declaratory Resolution No. 798-1949 as modified which provides for the condemnation of a right of way for sewer purposes commencing on the west property line of Clinton Street at a point 18 feet north of the southeast corner of Lot No. 3 Eliza Hanna, Sr.'s Subdivision of a tract of land lying between Duck Alley and St. Marys River and Barr and Calhoun Street in the City of Fort Wayne, Indiana; thence west on a line parallel with the south line of Lot No. 3 a distance of 175 feet; thence north parallel to the west property line of Clinton Street to the south property line of Leslie Street.

Yours very truly,

BOARD OF PUBLIC WORKS

ATTEST: *J. M. Schenck*
Secretary

JMS/vma

Walter C. Vetter
Frank A. Smith

Robert T. + Esther M. Burkhead
Audubon Road

2 875-feet of the East 200 ft

Eliza Hanna is for part of jail flats

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